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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,416	03/01/2004	Michael Hormann	298-236	5395

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EXAMINER	
PRESTON, ERIK D	
ART UNIT	PAPER NUMBER
2834	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,416	HORMANN, MICHAEL	
	Examiner	Art Unit	
	Erik D. Preston	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12,14-16,18,20-23 and 25-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *29 and 30* is/are allowed.

6)☒ Claim(s) *1-10,12,14-16,18,20-23,25-28 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10,12,14-16,18,20-23,25-28 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al (US 5936842 previously presented) in view of Buchele (GB 2069767 previously presented) in view of Iha et al. (US 4653565 previously cited).

With respect to claim 1, Kaiser teaches a door drive housing, comprising: comprising: A shell-shaped basic carrying body (Fig. 1, #12) structured and arranged to have different drive components (Fig. 2, #16,18,22,24 & 26) secured thereto (as seen in Figure 1), a cover hood (Fig. 1, #14) structured and arranged to be connected to the basic carrying body, a first accommodation means (Fig 2, #46) for a drive motor (Fig. 1, #16), a second accommodation means (Fig. 2, #114) for a drive system (Fig. 1, #18), and a third accommodation means (Fig. 2, #70) for a control device (Fig. 1, #24), but it does not teach a housing extension structured and arranged to be connected in an exact fit and detachable manner to the basic body on front rear and lateral sides thereof and accommodate additional and/or larger drive components or said first through third accommodation means being recesses separated from one another by elevated securing flanges and said housing extension also comprising at least one recess for accommodating more and/or larger drive components. However, Buchele teaches a housing extension (as seen in Fig. 1) structured and arranged to be connected in an

exact fit and detachable manner to a basic body (Fig. 1, #1) on front rear and lateral sides thereof and accommodate additional and/or larger components (as seen in Fig. 1) said housing extension also comprising at least one recess (as can be seen in Fig. 1, each section of the housing extension comprises a recessed base surrounded by an outer wall) for accommodating more and/or larger drive components, and Iha teaches recesses (best seen in Fig. 5) in the housing (Fig. 2, #71) of a garage door drive for attaching drive components therein, said recesses being separated from one another by elevated securing flanges (Fig 5, #301 & 301). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Kaiser in view of the teaching of an extendable housing as taught by Buchele because it provides a modular housing for electrical components that can be assembled in any desired size (Buchele, Abstract), and to modify the housing of Kaiser in view of the recesses or Iha because they provides a means for simplifying the instillation and manufacturing of a door drive housing (Iha, Col. 1, Line 61-Col. 2, Line 9).

With respect to claim 2, Kaiser in view of Buchele in view of Iha teaches the housing of claim 1, and Buchele teaches that the housing extension comprises a carrying body extension (Fig. 1, #1) structured and arranged to be connected in a releasable manner to the basic carrying body, and a cover body (Fig. 1, #5) structured and arranged to be connected at least to the carrying body extension.

With respect to claims 3 & 4, Kaiser in view of Buchele in view of Iha teaches the housing of claim 2, and Buchele teaches that the cover hood of the housing extension extends over both the basic carrying body as well as over the carrying body extension

connected to this and delimits a common interior (as seen in Fig. 1), and that the cover hood of the housing extension either connects in an exact fit to the cover hood located on the basic carrying body, or only covers the carrying body extension connected to the basic carrying body (Page 1, Lines 16-35).

With respect to claims 5,14 & 15, Kaiser in view of Buchele in view of Iha teaches the housing of claims 1-4, and Buchele teaches that the carrying body extension comprises a connection contour (as seen in Fig. 9) structured and arranged to be connected seamlessly to an outer contour of the basic carrying body, and with the basic carrying body together forms an extended carrying shell.

With respect to claim 6, Kaiser in view of Buchele in view of Iha teaches the housing of claim 1, and Buchele teaches that a carrying body extension forms a ring (or any other desired shape), which can be located with its interior contour at the outer contour of the basic carrying body.

With respect to claim 7, Kaiser in view of Buchele in view of Iha teaches the housing of claim 2, and Buchele teaches that a carrying body extension comprises positive-fit connection means to be secured to the basic carrying body.

With respect to claim 8, Kaiser in view of Buchele in view of Iha teaches the housing of claim 2, and Buchele teaches a carrying body extension is constituted by several parts structured and arranged to be connected in a releasable manner to one another and the basic carrying body.

With respect to claim 9, Kaiser in view of Buchele in view of Iha teaches the housing of claim 8, and Buchele teaches that said parts have first and second positive-

fit connection means for positive-fit connection to one another and second positive-fit connection means for positive-fit securing to the basic carrying body (as seen in Fig. 9).

With respect to claim 10, Kaiser in view of Buchele in view of Iha teaches the housing of claim 2, and Buchele teaches that the carrying body extension comprises a securing flange on its inner contour, engaging over the edge of the basic carrying body.

With respect to claim 12, Kaiser in view of Buchele in view of Iha teaches the housing of claim 1, and Kaiser teaches that the carrying body has on its outside a positive-fit connection means (Fig. 1, #112) for connecting to a slide element rail (Fig. 1, #28) mounted on which in an axially movable manner is a door drive slide element (which is not explicitly disclosed in the text, but inherently exists in all door opening drives) which can be driven by a drive chain that is engaged by a chain pinion (Fig. 1, #20).

With respect to claims 16,18 & 20, Kaiser in view of Buchele in view of Iha teaches the housing of claims 4,6 & 15, and Buchele teaches that the carrying body extension is constituted by several parts having first positive-fit connection means for positive fit connection to one another, and including locking engagement tongues and complimentary locking arrangement recesses for locking engagement recesses for locking engagement with one another and second positive-fit connection means for positive-fit securing to the basic carrying body.

With respect to claim 21, Kaiser in view of Buchele in view of Iha teaches the housing of claim 5, and Buchele teaches that said shell comprises a circumferential

edge web structured and arranged to receive the cover hood of the housing extension (as seen in Figs. 1 & 2).

With respect to claim 22, Kaiser in view of Buchele in view of Iha teaches the housing of claim 9, and Buchele teaches that the first positive-fit connection means comprises locking engagement tongues and complimentary locking engagement recesses for locking engagement with one another (as seen in Fig. 9).

With respect to claim 23, Kaiser in view of Buchele in view of Iha teaches the housing of claim 10, and Buchele teaches that said securing flange is bent at a right angle (as seen in Fig. 9).

With respect to claim 27, Kaiser in view of Buchele in view of Iha teaches the housing of claim 2, and Buchele teaches that the carrying body extension comprises a connection contour structured and arranged to be connected seamlessly to an outer contour of the basic carrying body and, with the basic carrying body, together forms an extended carrying shell, the carrying body extension comprises parts structured and arranged to be releasably coupled to at least one of one another and the basic carrying body and having first positive fit connection means for positive fit connection to one another and second positive-fit connection means for positive-fit securing to the basic carrying body (as seen in Fig. 1), the carrying body extension comprises a securing flange on its inner contour, engaging over an edge of the basic carrying body (as seen in Fig. 9), and the first positive-fit connection means comprise locking engagement tongues and complimentary locking engagement recesses for locking engagement with one another (as seen in Fig. 9).

With respect to claims 25,26,28 & 31, Kaiser in view of Buchele in view of Iha teaches the housing of claims 2,6,8 & 27, and Buchele teaches that carrying body extension is constituted by four distinct parts structured and arranged to be connected in a releasable manner to one another and the basic carrying body, a front face part, a rear face part and two lateral parts, said front face and rear face parts each comprising a recess for accommodating more and/or larger drive components. If it were desirable to one of ordinary skill in the art to form a ring from the carrying body extension parts (such as is recited in claim 6), it would have been obvious to one of ordinary skill in the art to form this ring from four distinct parts, one on each side of the basic carrying body because it has been held that changing the position of an element of an invention is prima facie obvious in the absence of new or unexpected results (In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

Allowable Subject Matter

Claims 29 & 30 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: While prior art may teach some of the material included in the claim, it does not teach the combination comprising an axially, protective overlapping part arranged to slide in an exact fit, over an inner contour of the front and rear face parts, and said front and rear end parts additionally comprising at least one mounting claw situated on an inner surface of said front and read end parts and arranged to receive and grip a respective overlapping part upon coupling, to provide additional stability and rigidity.

Response to Arguments

Applicant's arguments filed 10/16/2006 have been fully considered but they are not persuasive. In response to applicant's argument that Buchele is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Buchele is pertinent to the particular problem of housing the electrical components of an apparatus.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01/08/2007

BURTON S. MULLINS
PRIMARY EXAMINER